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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/824,248

04/03/2001

Koichi Sato

P20491

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09/22/2005

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EXAMINER

JELINEK, BRIAN J

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/824,248

Applicant(s)

SATO, KOICHI

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment**

The Examiner respectfully submits a response to the amendment received on 7/18/2005 of application no. 09/824,248 filed on 4/3/2001 in which claims 9-16 are currently pending.

### **Arguments**

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. Pat. No. 6,169,575) in view of Anderson (U.S. Pat. No. 6,683,649).**

Regarding claim 9, Anderson ('575) discloses an electronic still camera comprising: a memory (Fig. 3, removable memory 354; Fig. 7, natural group folders 602) that stores a discrete image obtained in a still photographing operation (col. 5, lines 25-30, time lapse image capture), and that stores, for each of a plurality of discrete

images sequentially obtained in a continual still image photographing operation in which the plurality of discrete images are taken at an interval time set by an operator (Abstract, lines 1-7; col. 6, lines 9-15; col. 7, lines 15-21, and 36-40), a unique indicator that indicates whether said discrete image was sequentially recorded in the continual still image photographing operation (col. 6, lines 9-15).

Anderson ('575) does not disclose a determination processor that determines whether the plurality of discrete images were obtained in said continual still image photographing operation; and an image processor that performs a common operation on said plurality of discrete images when it is determined that said plurality of discrete images were obtained in said continual still image photographing operation.

However, Anderson ('649) discloses creating a multimedia presentation from media objects stored in a digital imaging device, wherein a representation of each one of the media objects is displayed according to its type (Fig. 3, time lapse; Fig. 4), and enabling a user to playback the media objects and view time lapse groups of images (col. 7, lines 45-49). Furthermore, Anderson ('649) teaches a determination processor that determines whether the plurality of discrete images were obtained in said continual still image photographing operation (col. 12, lines 29-36); and an image processor that performs a common operation on said plurality of discrete images when it is determined that said plurality of discrete images were obtained in said continual still image photographing operation (col. 12, lines 29-36, playing a sequential group of images). One of ordinary skill in the art would have provided the imaging device of Anderson ('575) with the play mode of Anderson ('649) in order to allow a user to play back time

lapse groups of images (col. 7, lines 45-49). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a determination processor that determines whether the plurality of discrete images were obtained in said continual still image photographing operation; and an image processor that performs a common operation on said plurality of discrete images when it is determined that said plurality of discrete images were obtained in said continual still image photographing operation in order to allow a user to play back time lapse groups of images.

Regarding claim 10, Andeson ('649) discloses that the image processor continually reproduces said plurality of discrete images as the common operation (col. 7, lines 45-49).

Regarding claim 11, Anderson ('649) discloses playing back time lapse images (col. 7, lines 45-49); and that the user may change the duration the media object is played (col. 16, lines 28-33). Anderson ('649) does not disclose the image processor continually reproduces said plurality of discrete images as the common operation at a same interval as that of said continual still image photographing operation.

However, Official Notice is given that it would have been obvious to one of ordinary skill in the art at the time of the invention to continually reproduce the plurality of discrete images as the common operation at a same interval as that of said continual still image photographing operation in order to reproduce the images in real time, i.e., to play the image sequence as it occurred in time, neither faster nor slower than the rate at which the original image sequence was captured. As a result, it would have been

obvious to one of ordinary skill in the art at the time of the invention to have continually reproduce the plurality of discrete images as the common operation at a same interval as that of said continual still image photographing operation in order to reproduce the images in real time.

Regarding claim 13, Anderson ('575) discloses grouping related images into folders, and tagging individual image files with indicators including the group type, the image position in the sequence of images, and other information to assist in post-processing (Fig. 7, element 704; col. 5, line 60-col. 6, line 27). Anderson ('575) does not disclose a determination processor determines whether said plurality of discrete images were obtained in said continual still image photographing operation by reading image recording information recorded for each of said plurality of discrete images.

However, Anderson ('649) discloses creating a multimedia presentation from media objects stored in a digital imaging device, wherein a representation of each one of the media objects is displayed according to its type (Fig. 3, time lapse; Fig. 4), and enabling a user to playback the media objects and view time lapse groups of images (col. 7, lines 45-49). Furthermore, Anderson ('649) teaches a determination processor determines whether said plurality of discrete images were obtained in said continual still image photographing operation (col. 12, lines 29-36). One of ordinary skill in the art would have determined whether the plurality of discrete images were obtained in said continual still image photographing operation in order to play the media object according to its media type (col. 12, lines 29-36). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have determined whether the

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plurality of discrete images were obtained in said continual still image photographing operation in order to play the media object according to its media type. Furthermore, it is implicit that the determination processor identifies whether the plurality of discrete images were obtained in said continual still image photographing operation by reading image recording information recorded for each of said plurality of discrete images because Anderson ('575) provides tags for each image file in a group of continual still images.

Regarding claim 14, Anderson ('575) discloses the image recording information comprises a continual-image flag recorded in a header area corresponding to an image recording area in which a discrete image is recorded (col. 5, line 60-col. 6, line 27).

Regarding claim 15, Anderson ('575) discloses an electronic still camera, comprising: a recording processor that continually records a plurality of discrete images at a predetermined interval set by an operator in a continual still image photographing operation in which the plurality of discrete images are taken (Abstract, lines 1-7; col. 6, lines 9-15; col. 7, lines 15-21, and 36-40); and a memory (Fig. 3, removable memory 354; Fig. 7, natural group folders 602) that stores, for each of said plurality of discrete images, a unique indicator that indicates whether said discrete image was sequentially recorded in the continual still image photographing operation (col. 6, lines 9-15).

Anderson ('575) does not disclose the unique indicator enables the plurality of discrete images to be continually displayed as discrete images.

However, Anderson ('649) discloses creating a multimedia presentation from media objects stored in a digital imaging device, wherein a representation of each one

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of the media objects is displayed according to its type (Fig. 3, time lapse; Fig. 4), and enabling a user to playback the media objects and view time lapse groups of images (col. 7, lines 45-49). Furthermore, Anderson ('649) teaches the unique indicator enables the plurality of discrete images to be continually displayed as discrete images (col. 12, lines 29-36, playing a sequential group of images). One of ordinary skill in the art would have provided the imaging device of Anderson ('575) with the play mode of Anderson ('649) in order to allow a user to play back time lapse groups of images (col. 7, lines 45-49). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a unique indicator to enable the plurality of discrete images to be continually displayed as discrete images in order to allow a user to play back time lapse groups of images.

Regarding claim 16, Anderson ('649) discloses an image processor that continually performs a common operation on said plurality of discrete images (col. 12, lines 29-36, playing a sequential group of images).

**Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. Pat. No. 6,169,575), in view of Anderson (U.S. Pat. No. 6,683,649), and further in view of Anderson (U.S. Pat. No. 6,249,316).**

Regarding claim 12, Anderson ('649) further discloses removing media objects (e.g., a time lapse group of images) from the group of media objects selected for the slideshow (col. 10, lines 45-51). Anderson ('649) does not disclose the image processor continually deletes said plurality of discrete images as the common operation.



However, Anderson ('316) discloses a navigation control button for positioning a highlight area around one of a plurality of image cells (col. 2, lines 1-3) and deleting the images in the selected image cells (col. 5, lines 55-67). One of ordinary skill in the art at the time of the invention would have provided a delete function to delete a time lapse group of images in order to increase available memory. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have enabled the image processor to continually delete said plurality of discrete images as the common operation in order to increase available memory.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
9/19/2005



DAVID L. OMETZ  
SUPERVISORY PATENT  
EXAMINER